



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, DC 20460

APR 17 2019

OFFICE OF CHEMICAL SAFETY  
AND POLLUTION PREVENTION

Washington State Department of Agriculture  
P.O. Box 42560  
Olympia, Washington 98504-2560

**Effective Date:** June 15, 2019  
**Expiration Date:** August 31, 2019  
**Report Due Date:** February 28, 2020  
**File Symbol:** 19WA02

**Attn:** Erik Johansen

The U.S. Environmental Protection Agency hereby issues a specific exemption under the provisions of Section 18 of the Federal Insecticide, Fungicide and Rodenticide Act, as amended, to the Washington State Department of Agriculture for the use of sulfoxaflor (CAS Reg. No. 946578-00-3) on alfalfa grown for seed to control lygus bugs (*Lygus hesperus*, *Lygus elisus*, and other *Lygus spp.*) in Washington.

In the request dated March 22, 2019, the Washington State Department of Agriculture recertified that the emergency condition still exists and that there were no changes to the use directions, including rates and type of application, as approved in the last authorization dated June 15, 2018 and amended on June 18, 2018. This specific exemption is subject to the conditions set forth in your request, as well as the following conditions, modifications and restrictions:

1. The Washington State Department Agriculture (WSDA) is responsible for ensuring that all provisions of this specific exemption are met. WSDA is also responsible for providing information in accordance with 40 CFR 166.32(b). Accordingly, a report summarizing the results of this program must be submitted to EPA Headquarters and the EPA Region 10 Office within 6 months following the expiration of this exemption or prior to requesting a subsequent specific exemption for this use. In accordance with 40 CFR 166.32(a), these offices shall also be immediately informed of any adverse effects resulting from the use of this pesticide in connection with this exemption.
2. The registered product, Transform<sup>®</sup> WG Insecticide (EPA Reg. No. 62719-625, containing 50% sulfoxaflor), manufactured by Dow AgroSciences, may be applied. All applicable directions for use, restrictions, and precautions on the EPA-registered product label including Worker Protection Standards must be followed, as well as those outlined on the Section 18 use directions submitted with your request, unless otherwise modified by this authorization document.
3. Foliar applications may be made by ground only, at a single rate of 1.5-2.75 oz. of product (0.047-0.086 lb a.i.) per acre. A maximum of two applications may be made per year, but no more than 5.5 oz. of product (0.172 lbs. a.i.) may be applied per acre per year. Two applications per cutting is equivalent to two applications per year.

4. A 7-day pre-harvest interval and 7-day retreatment interval with a minimum of 24 hours restricted entry interval must be observed.
5. A maximum of 22,500 acres of alfalfa grown for seed may be treated in the following Washington counties: Franklin, Grant, Walla Walla, and Yakima.
6. All alfalfa seed grown or conditioned in Washington shall bear a tag or container label which forbids use of the seed for human consumption or animal feed. As no portion of the alfalfa seed plant and seed screenings may be used or distributed for food or feed purposes.
7. To minimize spray drift and potential exposure of bees when foraging on plants adjacent to treated fields, applications are prohibited when wind speeds are above 10 miles per hour (mph).
8. Apply at night, between sunset and four hours before sunrise, when bees are not actively foraging in alfalfa grown for seed. Do not apply between four hours before sunrise and sunset.
9. **Environmental Hazards Statement:** This product is highly toxic to bees exposed through contact during spraying and while spray droplets are still wet. This product may be toxic to bees exposed to treated foliage for up to 3 hours following application. Toxicity is reduced when spray droplets are dry.
10. **Advisory Pollinator Statement:** “Notifying known beekeepers within 1 mile of the treatment area 48 hours before the product is applied will allow them to take additional steps to protect bees. Avoid applications when environmental conditions (e.g. dew, fog or precipitation) may prolong the drying time of spray residues. Growers are advised to refer to and, where feasible, observe the cooperative standards outlined in the Washington State Managed Pollinator Protection Plan (MP3) for Alfalfa Seed Production for additional guidance and bee conservation stewardship efforts.”
11. This specific exemption expires August 31, 2019.
12. This is the fourth year that WSDA has requested a Section 18 emergency exemption for the use of sulfoxaflor on alfalfa grown for seed to control lygus bugs. In the event that an emergency exemption for this use is requested next year; the EPA has made a preliminary determination that this use is eligible for a streamlined application under the recertification program (40 CFR 166.20(b)(5)) in 2020.

Any future correspondence regarding this exemption should refer to file symbol 19WA02.

If you have any questions regarding this authorization, please contact Emergency Response Team member Tamica Cain (703-347-8110; [cain.tamica@epa.gov](mailto:cain.tamica@epa.gov)) or the Emergency Response Team Leader, Tawanda Maignan (703-308-8050; [maignan.tawanda@epa.gov](mailto:maignan.tawanda@epa.gov)).



Michael L. Goodis, Director  
Registration Division  
Office of Pesticide Programs

Date: April 17, 2019

cc: Chad Schulze, USEPA Region 10- Regional Coordinator  
Derrick Terada, USEPA Region 10- Tribal Coordinator